

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

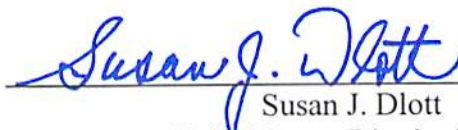
UNITED STATES OF AMERICA,	:	Case No. 1:04-cr-57
	:	
Plaintiff,	:	
	:	
- vs -	:	District Judge Susan J. Dlott
	:	Magistrate Judge Michael R. Merz
	:	
LEONARD DRISTER,	:	
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 176), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The Court notes that Defendant filed a Motion to Withdraw his § 2255 Motion on April 4, 2017, which the Magistrate Judge struck since an answer had been filed in this case. Defendant's counsel has filed neither a motion to dismiss without prejudice nor an agreement of the opposing party to dismiss the § 2255 Motion. Therefore, the Court hereby ADOPTS said Report and Recommendations.

Accordingly, it is ORDERED that Defendant's § 2255 Motions (ECF Nos. 154 and 158) are dismissed with prejudice for failure to state a claim upon which relief can be granted under 28 U.S.C. § 2255.

April 11, 2017.



Susan J. Dlott
United States District Judge